

INFORMATION LETTER

NATIONAL CANNERS ASSOCIATION

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QUESTIONS ON CANNED FOODS DELIVERY ORDER ANSWERED BY ADMINISTRATORS

Points Applicable To Canners Are Covered In Series of Questions and Answers

Numerous inquiries as to both the purpose and interpretation of Conservation Order M-237, published in last week's INFORMATION LETTER, have been received by the Association.

It is understood that the purpose of this order is to insure that canned foods for the civilian population will be made available throughout the year by balanced distribution.

The Administrator of the order is J. H. Rosenthal of the Food Branch of WPB, from whom the Association has obtained the following answers to a number of questions generally applicable to all canners. However, as the situation of individual canners under this order may differ quite widely, interpretations as to the application of the order to individual cases should be sought from the Administrator.

Following are questions that have been discussed with the administrator, and the answers given, which may later be subject to review:

1. What is the effective date of Order M-237?

Answer: This order became effective September 26. Many canners, however, had not heard of the order before reading it in the INFORMATION LETTER of September 28. Many others had read a brief notice in the newspapers but did not get the details until they received the LETTER. Consequently, shipments that were made on Saturday and Sunday may not be held in violation of the order, even though such shipments may have exceeded the quotas.

2. The order states that the quota must be calculated on a weight basis. What does this mean?

Answer: This means literally that the 35 per cent of each group of products that may be shipped prior to December 1 should be calculated on a basis of net contents of the can. For practical purposes, however, the total pack of each group of products may be calculated on a standard case basis and the percentage applied to that figure. This will give the canner his quota on a standard case basis; that is, basis 24/2's for Groups 2 and 3, and 24/2½'s for Group 1. The quota thus figured must then be converted to actual cases of shipment.

Distributor Price Adjustment Imminent

Announcement of the OPA regulations establishing alternate pricing methods to relieve wholesale and retail squeezes occasioned by higher replacement costs for many food items is expected to be made during the week of October 5.

3. What is meant by the term "deliver"?

Answer: For the purpose of the administration of this order, either of the following will constitute delivery:

- (a) Transfer of title;
- (b) Physical delivery of the canned foods.

4. What is the definition of "packing season"?

Answer: In Exhibit A, where the packing season is listed as 1942 for any item, the order applies to the pack made during the calendar year. For products the packing season of which is listed as 1942-43, the order refers to the pack from July 1, 1942, to June 30, 1943. The restriction of shipments, therefore, applies to only the pack put up during the packing season designated.

5. Are deliveries from one canner to another to be included in the quotas?

Answer: Yes except when selling to a "non-quota purchaser."

6. Is a canner who buys from another canner bound by the provisions of this order when he delivers such canned foods?

Answer: A canner who buys from another canner or from any other agency is held to be a distributor of the canned foods thus purchased. In this case the re-shipment or de-

(Continued on page 7257)

PRICE REGULATION COVERS PROCESSORS OF CANNED, DRIED APPLES AND PRODUCTS

Juice, Cider, Applesauce Prices Raised; Specific Rates Set for Dried Apples

Details of the regulation by which apple processors may increase their maximum prices for canned apples, applesauce, apple juice, cider and dried apples, were announced October 2, by the Office of Price Administration. These adjustments cover increased raw fruit and other costs since the 1941 season and are in line with the policy adopted for other canned and dried fruits.

Maximum Price Regulation No. 233, effective October 5, 1942, follows the pattern of the preliminary draft, which was outlined to the trade through an OPA statement on September 2. (See INFORMATION LETTER for September 5.)

The new regulation permits canners to increase their 1941 base prices of canned applesauce 18½ per cent. Apple juice and sweet cider prices are lifted 8 per cent, in order to cover costs other than fruit, when containers of one gallon or more are packed and 10 per cent when containers smaller than one gallon are packed. In addition to this increase on apple juice and sweet cider, a further price raise is permitted of 6 cents per gallon to offset higher raw material costs. The

(Continued on page 7257)

APPLE BUTTER CEILING INCREASED

Regulation Establishes Approximately 10 Per Cent Higher Prices at Packer Level

Apple butter prices were increased approximately 10 per cent at the packer level by Maximum Price Regulation No. 232, which became effective October 1. This action, taken September 29 by the Office of Price Administration, is similar to previous regulations issued by OPA for canned and frozen fruits, jams, jellies, and preserves, as reported in past issues of the INFORMATION LETTER.

The new regulation, in general, follows plans outlined in OPA's preliminary announcement of September 15, which appeared in the September 19 LETTER. Text of the governing portions of Regulation No. 232 follows:

Section 1341.451—Prohibition against dealing in apple butter above maximum prices.

(a) On and after October 1, 1942, regardless of any contract or other obligation, no packer shall sell or deliver any apple butter at a price higher than the maximum prices established by this Maximum Price Regulation No. 232;

(b) No person in the course of trade or business shall buy or receive any apple butter from a packer at a price higher than the maximum prices established by this Maximum Price Regulation No. 232;

(c) No person shall agree, offer, solicit or attempt to do any of these things.

Section 1341.452—Packer's maximum prices for apple butter.

(a) The packer's maximum price per dozen or other unit f.o.b. factory for each brand, container type and size of apple butter shall be:

(1) The weighted average price per dozen or other unit f.o.b. factory charged by the packer for the brand, container type and size during the months of October and November, 1941; plus

(2) $\frac{1}{3}\%$ for each pound of finished apple butter in a dozen or other unit of that size container; plus

(3) The sum of the weighted average cost increases for raw materials. The increase shall be computed for each raw material by taking the difference per dozen or other unit of the finished product between the weighted average cost delivered at the factory of the raw material purchased or contracted for between March 1, 1941, and October 1, 1941, and the weighted average cost delivered at the factory of the raw material purchased or contracted for between March 1, 1942, and October 1, 1942; except as limited in paragraph (b) (3) of this section.

(b) In determining the packer's maximum price:

(1) The "weighted average price" shall be the total gross sales dollars charged for each brand, container type and size divided by the number of units of that item sold. All sales made in the regular course of business during the months of October and November, 1941, shall be included, except sales made to the United States.

(2) The "weighted average cost" of any raw material shall be the total amount paid for it divided by the total number of pounds or other unit purchased.

(3) In computing the weighted average costs of raw materials delivered at the factory, the packer shall exclude from the computation any amounts paid in excess of the following amounts:

(i) For raw materials other than fresh apples the maximum prices which the packer's supplier or suppliers

were entitled to charge him under the General Maximum Price Regulation or under any other pertinent Maximum Price Regulation in the respective sales by which the raw materials were acquired by the packer.

(ii) For fresh apples the sum of (a) the weighted average cost delivered at the factory of apples purchased or contracted for between March 1, 1941, and October 1, 1941, and (b) \$8 a ton.

(4) In converting the increased cost of raw materials into increased cost per dozen or other unit for each brand and container type and size, the increase shall be allocated to each container type and size in the same proportion as costs of raw materials in 1941 were allocated.

(c) The maximum price for each brand, container type and size for a packer who owns more than one factory shall be determined separately for each factory. But if any two or more factories had the same f.o.b. factory prices in 1941 a maximum price may be determined uniformly for that group by using the combined figures of the group in the computations required by paragraphs (a) and (b) of this section. In applying for the specific authorization of a price under paragraph (b) of Section 1341.453, application may be made for a uniform maximum price applicable to the whole group.

(d) Any packer who regularly sold a purchaser any item of apple butter on a delivered price basis during the calendar year 1941 shall increase the maximum price for the item, as computed under the preceding paragraphs of this section, by the amount of the freight charge for that item which he added to his f.o.b. factory price during March 1942. The resulting price shall be the packer's maximum delivered price for that purchaser.

Section 1341.453—Inability to fix maximum prices under Section 1341.452.

(a) If the packer's maximum price for any item cannot be determined under Section 1341.452, his maximum price shall be the maximum price of the most closely competitive packer.

(b) If the packer's maximum price for any item cannot be determined under Section 1341.452 or under paragraph (a) of this section, the maximum price shall be a price determined after specific authorization from the Office of Price Administration, Washington, D. C., on application setting forth (1) a detailed description of the brand, container type and size; and (2) a statement of the facts which differentiate it from the most similar item for which he has determined a maximum price, identifying the similar item and stating the maximum price determined for it. When authorization is given, it will be accompanied by instructions for determining the maximum price. Within ten days after the price has been determined, the seller shall report it to the Office of Price Administration, Washington, D. C. This price shall be subject to adjustment at any time by the Office of Price Administration.

Section 1341.454—Less than maximum prices.

Lower prices than those established by this Maximum Price Regulation No. 232 may be charged, demanded, paid or offered.

Section 1341.455—Customary allowances and discounts.

The maximum prices established by Sections 1341.452 and 1341.453 shall be reduced to reflect the packer's customary allowances, discounts and other price differentials.

* * *

Section 1341.459—Records and reports.

Every packer who makes sales of any apple butter covered by this Maximum Price Regulation No. 232, shall (a) as long as the Emergency Price Control Act of 1942 continues in effect, preserve for examination by the Office of Price Administration all his existing records which were the basis for the computations required by Section 1341.452; and (b) preserve for the same period all records of the same kind as he has customarily kept, relating to the prices which he charged for apple butter sold on and after October 1, 1942; and (c) file with the Office of Price Administration, Washington, D. C., within 10 days after determining his maximum prices for each brand, container type and size of apple butter, a statement showing (1) his weighted average price and his increases in the cost of raw materials, as determined under Section 1341.452, together with the maximum price determined under this Regulation and all customary allowances, discounts and differentials, and (2) in those cases in which the maximum price was determined by the maximum price of the most closely competitive packer, the maximum price and the name and address of the packer whose maximum price was adopted; and (d) as long as the Emergency Price Control Act of 1942 continues in effect, preserve a true copy of each such statement filed with the Office of Price Administration for examination by any person during ordinary business hours. Any packer who claims that substantial injury would result to him from making any such statement available to any other person, may file a copy of the statement with the nearest Regional, State, or District Office of the Office of Price Administration. The information contained in the statement will not be published or disclosed unless it is determined that the withholding of the information is contrary to the purposes of this Regulation.

Section 1341.460—Petition for amendment.

Any person seeking a modification of this Maximum Price Regulation No. 232 may file a petition for amendment in accordance with the provisions of Procedural Regulation No. 1,¹ issued by the Office of Price Administration.

* * *

Section 1341.463—Export sales.

The maximum prices at which a person may export apple butter shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation² issued by the Office of Price Administration.

Section 1341.464—Definitions.

(a) When used in this Maximum Price Regulation No. 232 the term:

(1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successors or representatives of any of the foregoing and includes the United States, any of its agencies, any other Government, or any of its political subdivisions and any agency of any of the foregoing.

(2) "Packer" means a person who preserves and packs apple butter as defined in paragraph (3).

(3) "Apple butter" is the smooth, semi-solid food having a characteristic apple flavor obtained by cooking a mixture of the strained edible portion of apples and saccharine ingredients, consisting of not less than 5 parts, by weight, of apple ingredient (calculated on a fresh fruit basis using an average percentage of soluble apple solids of 13.7 per-

cent) to 2 parts, by weight, of saccharine ingredients. The product may be prepared with or without any of the following: Apple juice, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid and salt. Saccharine ingredients may be any of the following: (1) Sugar, invert sugar sirup, (3) brown sugar, (4) invert brown sugar sirup, (5) honey, (6) corn sirup, (7) any combination of two or more of (1), (2), (3), (4), (5) and (6), but if honey is a component the weight of its solids is not less than $\frac{1}{2}$ of the weight of the solids of the combination; or (8) any combination of corn sugar or dextrose and (1), (2), (3), (4), (5), (6), or (7), but if honey is a component the weight of its solids is not less than $\frac{1}{2}$ of the weight of the solids of the combination. Apple butter is further defined by the Regulation Fixing and Establishing Definitions and Standards of Identity for Fruit Butters, issued under the Federal Food, Drug and Cosmetic Act of 1938 and published in the Federal Register on September 5, 1940.

(4) "Raw material" means any ingredient used in the making of apple butter, including the ingredients listed in paragraph (3).

(5) "The most closely competitive packer" means the packer who:

(i) Sells to the same class of buyer,

(ii) Packs the same or similar quality range of the product,

(iii) Has sold in the past the same kind of apple butter at approximately the same prices as the packer establishing a maximum price,

(iv) Has used the same general merchandising methods, and

(v) Is located in the same general growing and packing area or, if there is no such packer in the same general growing and packing area, is located in the nearest growing and packing area.

(b) Unless the context otherwise requires, the definitions of Section 302 of Emergency Price Control Act of 1942 shall apply to other terms used in this Regulation.

Section 1341.465—Effective date.

This Maximum Price Regulation No. 232 (Section 1314.451 to Section 1341.465 inclusive) shall become effective October 1, 1942.

Issued this 29th day of September, 1942.

LEON HENDERSON,
Administrator.

I. W. England, Continental Executive, Dies

Isaac W. England, 68, vice president of the Continental Can Company, died of a heart ailment, September 18, at a health resort at Watkins Glen, N. Y., where he had been spending his vacation.

During the Spanish-American War, Mr. England established the American Compressed Food Corporation. In 1912 he founded the Passaic Metal Ware Company and served as its president until 1928, when it merged with Continental Can Company. Since that time, as vice president of the latter company, Mr. England had taken an active part in the company's affairs, particularly in the Continental office in Washington, D. C.

¹F.R. 971, 3663, 6967. ²F.R. 3050.

CIVILIAN QUOTA OF SALMON RELEASED

Canners Permitted To Sell 20 Per Cent To Trade After Government Deliveries Are Made

Twenty per cent of the total salmon pack between March 1 and October 31 is released for civilian consumption by Supplementary Order M-86-d, issued September 30, by the War Production Board.

The entire 1942 pack of salmon was frozen in canners' hands until further notice by Supplementary Order M-86-c, issued September 9, and reported in the September 12 INFORMATION LETTER. This was done to assure fulfillment of government requirements, which are at least 60 per cent of each canner's pack of steelhead, chinook, silver, red, pink and chum species.

Order M-86-d permits any canner to deliver for civilian consumption 20 per cent of his total pack of any species of salmon canned between March 1, 1942, and October 31, 1942. However, in order to make such delivery, he must first have delivered 60 per cent of the pack of the species to the Government.

The remaining 20 per cent is to be retained by the canner until it is determined whether the pack or any part of it will be required by the Government. Otherwise, it will be released for civilian consumption.

A total of about 1,156,000 cases will be released to civilians within the next few months. This represents about one-fifth of the total annual consumption of salmon. Annual consumption of canned salmon in the United States is 5,500,000 to 6,000,000 cases.

The estimated 1942 salmon pack and details of the distribution under Order M-86-d are found in the accompanying table, issued by WPB:

Species	Total pack	Reserved for	Released	To be held
		(60 per cent of total)	(20 per cent of total)	until further notice
	1,000 cases	1,000 cases	(20 per cent of total)	1,000 cases
Pink.....	2,800	1,680	560	560
Red.....	1,200	720	240	240
Chinook.....	250	150	50	50
Chum.....	1,000	600	200	200
Silver.....	500	300	100	100
Steelhead.....	30	18	6	6
Total.....	5,780	3,468	1,156	1,156

Official text of the order is as follows:

Pursuant to Order M-86, which this order supplements, and Order M-86-c:

§ 1084.5 Supplementary Order M-86-d. (a) Each canner may deliver to any agency or agencies of the United States Government specifically designated by the Director General for Operations, any part or all of any salmon packed by him prior to October 31, 1942.

(b) Any canner who, pursuant to paragraph (a), has delivered to any agency or agencies of the United States Government more than 60 per cent of any species of salmon packed by him from March 1, 1942, to October 31, 1942, inclusive, may deliver amounts not to exceed 20 per cent of the total pack of such species of salmon to persons other than government agencies.

West Coast Pilchard Catch is Allocated

Machinery to allocate the pilchard catch among canners or other processors at San Francisco, Monterey, Los Angeles Harbor and other ports, is set up by Amendment No. 1 to Conservation Order M-206, issued September 30 by WPB.

After September 30, vessel operators, canners and other processors were required by the amendment to make delivery or accept delivery of raw pilchards only in conformity with directions issued by the Director General for Operations.

To permit flexibility and to avoid unnecessary administrative detail, no specific allocations for deliveries to canneries were provided in the order. The Director General for Operations is authorized from time to time to allocate the supply of pilchards, and direct the time, manner and quantities that vessel owners may deliver to canneries and processors on the Pacific coast. Unless and until instructions are given, deliveries may continue as before, WPB stated.

Specific allocation instructions will be issued, in writing, through the Administrator of Order M-206, located at the WPB Regional Office in San Francisco. The instructions are to be carried out without regard to existing contracts.

The amendment is necessary to assure more equitable distribution of the pilchard catch among processors. At present, Monterey is receiving more pilchards than the local canneries can handle.

As a result, canneries at San Francisco are not receiving their share of pilchards. Consequently, the sardine pack is running behind that of 1941.

M-206, which was issued on August 19, prohibited contracts or agreements between fishing vessel operators and canners or other processors of pilchards to limit the amount of pilchards which could be caught.

California Sardine Tonnage and Packs

Estimated figures on tonnage of sardines delivered to California processing plants and cases of canned sardines packed during the current season to September 24, inclusive, along with comparison to a year ago, as reported by the California Sardine Products Institute, are as follows:

TONNAGE:	Week ending		Season to	
	Sept. 24,	1942	Sept. 24,	1942
Northern District (San Francisco Bay)	1,778	50,774	74,86	
Central District (Monterey)	5,921	77,516	87,11	
Southern District (Southern California)				
Total	7,699	137,290	162,00	

NORTHERN AND CENTRAL DISTRICT PACKS:		
Can Sizes:	Cases	Cases
1-lb. Oval	23,184	349,444
1-lb. Tall	19,301	275,748
½-lb. Fillet	2,681	34,153
½-lb. Round 96's	1,581	21,465
5-oz. 100's	2,264	33,845
Miscellaneous	865	11,322
Total	49,876	735,977

Florida Canners Will Meet October 16

The annual meeting of the Florida Canners Association will be held October 16, at the Tampa Terrace Hotel, Tampa.

Retailer Must Report Canned Fruit Increases

Retailers who adjust their prices on the 1942 pack of canned peaches, pears, pineapple or pineapple juice must file one or more statements showing such adjustments with the appropriate War Price and Rationing Board, OPA announced September 24.

Such adjustments may be made under the original Maximum Price Regulation No. 197 (Canned Fruits and Canned Berries at Wholesale and Retail), to take account of increased costs in putting up the new pack.

The new amendment (No. 2) to Price Order 197, became effective October 3.

The amendment also permits importers of canned Cuban pineapple and pineapple juice who did not make any purchases of these products during either November, 1941, or March, 1942, to use as their ceiling price the maximum figure of their most closely competitive seller, who is also an importer.

If a maximum price cannot be determined in that manner, the importer may apply to OPA for specific authorization of a maximum price.

CONFERENCES HELD ON LABOR SUPPLY**Association Committee Discusses Problem With Manpower And Selective Service Officials**

As a result of the meeting of the Special Committee on Labor Supply held at the Association's Washington office, government agencies concerned with the labor supply have been furnished with information on the problems encountered by canners this year and the still more difficult situation that will be faced next season.

Representatives of the committee conferred with the officials at Selective Service Headquarters and with Chairman Paul V. McNutt of the War Manpower Commission. As was noted in last week's INFORMATION LETTER, a bulletin has been sent by Selective Service Headquarters to the State administrators of the draft in which were listed occupations in food processing industries to which special consideration is to be given in the cases of requests for deferment.

Local draft boards should soon receive the directions given in this bulletin. However, canners who have requests pending, or in prospect, for deferment of key men in their organizations should ascertain whether the bulletin sent to the State administrators has been received by the local board to whom the canner may have submitted requests for deferment. Otherwise the local board may not have the guidance in its action that the bulletin furnishes.

The War Manpower Commission, it was found, recognizes the necessity of certain key workers in the canning industry and of sufficient common labor in both the factory and on the farm. Careful consideration is being given to the need of and plans for getting high school students into the fields next year. In the event of any freezing of labor that might catch key men of the canning industry working during the off season in some other industry, it was indicated that arrangements would be made for their prompt release to the canning industry.

PRICE-WAGE BILL IN FINAL STAGES**Chief Unsettled Issue Is What Farm Labor Costs Will Be Included in Ceilings**

Final action on legislation to meet the President's request for agricultural price control was scheduled to have been taken by Congress on October 2. The main issue that will be settled by final Congressional action is the amount and degree of farm labor costs that are to be considered in establishing ceilings on agricultural commodities. The text of the measure, which includes wage stabilization directives, and on which final action was scheduled, had not been determined at the time this was written. It depended upon the work to be done by a joint House and Senate Conference Committee of writing into one acceptable measure the bill passed by the House and the proposal adopted by the Senate on September 30.

The Senate, after tentatively adopting the language of the House bill, which provides for the addition of all farm labor costs in computing parity, modified its action by providing that if the parity or comparable price or the highest price received during this year up to September 15, whichever is higher, does not reflect the increases in farm labor costs incurred since January 1, 1941, the maximum price to be established must be raised so as to include the increased labor cost.

Another provision of the agricultural price sections of the Senate bill states that adequate weighting shall be given to farm labor in fixing a price maximum for an agricultural commodity or for a commodity processed or manufactured in whole or substantial part from agricultural products.

A brief summary of other provisions of the agricultural price sections of the Senate bill and its wage stabilization features was presented in last week's INFORMATION LETTER in comparison with the bill passed by the House.

Senate Debate on Tax Bill Scheduled

Senate consideration and passage of the new tax bill has been scheduled for the week of October 5 by Senate leaders in charge of the proposal. At the time the INFORMATION LETTER went to press, the Senate Finance Committee was finishing a last Committee reading of the 500-odd page proposal and planned to report its recommendation to the Senate in time for debate early in the week. A full analysis of the Senate proposal and its effect on canners will be presented in the next issue of the LETTER.

Nutrition Work Allotted to Penn State

Through a typographical error, it was reported erroneously in last week's INFORMATION LETTER that part of the Nutrition Program of the Association had been assigned to the University of Pennsylvania. Actually the assignment referred to was made to Pennsylvania State College which will undertake studies to compare the chemical and microbiological methods in use by the universities that will make the assays with the standard rat feeding tests. Penn State also will study storage losses in a limited number of canned foods.

ODT TRUCK CERTIFICATE REQUIREMENTS

Blanks To Be Mailed Shortly Call For Detailed Information on Tire Use

Application blanks for Certificates of War Necessity under General Order ODT No. 21 (See September 12 INFORMATION LETTER) will soon be mailed out to truck operators from the central office of the Office of Defense Transportation, together with instructions for filling them out, ODT announces.

It is expected that the returned blanks, filled out with the required information, will furnish a complete inventory of all tires now on the wheels of the country's more than 5,000,000 non-military vehicles, or held for the use of such vehicles.

In applying for a Certificate of War Necessity, every operator must report the number and condition of all tires in his possession by sizes or size groups, including both new and used tires.

In addition, the operator must list the mileage of tires, by sizes, which were removed from service, in 1941, exclusive of retreaded or recapped tires, thus giving ODT a gauge on normal consumption of new tires by commercial vehicles.

One type of application blank will be mailed to operators of one or two vehicles; another to fleet operators—those operating more than two vehicles. Mailing of the application blanks, together with detailed instructions on how to fill them out and other relevant data, is to begin shortly.

The application blanks cover all phases of commercial vehicle operation, both local and over-the-road in the case of trucks.

In addition to tire data, operators will be required to submit the following information:

Types of business for which vehicles are operated.

Purposes for which the vehicles are principally used, such as farming, transportation of workers or patrons or transportation of articles (to be specified by applicant).

Area of operation—local or over-the-road or both.

Nature of operation—distribution or other.

Cities where vehicles are operated.

Territory of over-the-road operations.

Number of vehicles owned; number of vehicles leased or rented; names and addresses of persons to whom any vehicles are regularly leased or rented.

Complete data on past operations and estimated future operations by quarters—July, August and September of 1941 and 1942; October, November and December of 1941 and 1942; January, February and March of 1941 and 1943; April, May and June of 1941 and 1943—and for the entire 12 months of 1941 and July through June of 1942-1943, including:

Miles operated quarterly by vehicles owned and vehicles leased to and from others.

Vehicle miles quarterly for special deliveries and call backs.

Vehicle miles quarterly under exemptions and permits.

Trips operated quarterly.

Average load per trip, in terms of tons, cubic feet or other units.

Average unit capacity of vehicle in tons, cubic feet or other.

Average load in terms of percentage of capacity of vehicles.

Operators also will be required to specify what ODT orders are applicable to their operations, special or general ODT permits applicable to their operations and what steps have been taken to reduce mileage, conserve equipment and tires and comply with ODT orders.

Those operating in an area where gasoline is rationed are required to state what percentage of total operations is in such area, how many gallons of gasoline they were allowed by their rationing boards and for how many miles, how much gasoline was used in the rationed area from July 22, 1942, to September 23, 1942, and how many miles were operated in this period.

Fleet operators, as well as single unit operators, are required to describe in detail all vehicles for which a Certificate of War Necessity is required.

An individual certificate will be issued for each self-powered vehicle and must be carried on the vehicle.

Records of operation, subject to ODT inspection, must be kept by all operators affected by the order, which becomes effective November 15.

Motor Vehicle Speed Limited to 35 Miles Per Hour

The national speed limit of 35 miles per hour for all motor trucks and automobiles became effective October 1, 1942, under the provisions of ODT General Order 23, issued September 26, 1942, by the Office of Defense Transportation.

This order provides that no motor vehicles shall be operated "in excess of the applicable speed limit duly prescribed by competent public authority, or . . . in excess of 35 miles per hour, whichever rate of speed is the lesser."

This limitation supersedes the former limitation of 40 miles per hour established by General Order ODT 17.

Industrial Power Trucks Under Allocation

Industrial power trucks were placed under complete allocation control, including control over production, by Amendment No. 1 to Limitation Order L-112 announced September 29 by the War Production Board.

After October 15, no manufacturer of trucks may accept any order or make any delivery unless it is accompanied by an authorization by WPB, and then the order may be placed only with the manufacturer designated by WPB.

Before October 15, orders may be accepted, and deliveries may be made, only on an order rated A-9 or higher on Preference Rating Certificate PD-1A or PD-3A, or on a Preference Rating Certificate in the PD-408 series.

Applications to WPB to secure permission to buy, sell, and deliver trucks after October 15, 1942, are to be made on Form PD-556, containing all pertinent information.

Control over production of industrial power trucks after October 15 is contained in a section of the amendment which requires manufacturers to file with WPB complete production schedules not less than three months in advance; and a proposed delivery schedule for not less than one month in advance. WPB then may revise any of these schedules, and may require the transference of orders from the manufacturer with whom originally placed to any other manufacturer. No manufacturer may make or deliver any trucks except in accordance with schedules approved by WPB.

Freight Rates Reduced for Detinning

Freight rate reductions intended to make possible the economical detinning of cans have been made by the Pacific Coast railroads, according to a recent announcement by the Office of Defense Transportation.

The Pacific Coast carriers approved reductions on tin cans, for detinning purposes only, from various points west of the Rocky Mountains to South San Francisco, California. In no instance do the new rates exceed 58 cents per 100 pounds, the highest level which would permit economical detinning.

To allow free movement of this traffic, the railroads also lowered the carload minimum weight to 30,000 pounds, the approximate weight of a carload of crushed tins.

Proposal to revise the rates was filed by ODT at the request of the Salvage and Surplus Property Branch of the Office of the Quartermaster General, War Department, and the War Production Board. The new rates are expected to result in the recovery of increased quantities of critically needed tin and a good grade of scrap steel, it was stated. The Interstate Commerce Commission granted permission, effective on September 28, for the publication of the reduced rates on one day's notice.

Blackplate Rejects Placed Under Quota Control

Blackplate rejects are subject to the quota restrictions of Order M-104, it was made clear September 28 with announcement of an amended version of the order.

The order sets up quota restrictions for tinplate, terneplate and blackplate. Allocation for the fourth quarter to crown manufacturers of blackplate rejects already has been made but it was emphasized that this allocation is subject to the quota restriction contained in M-104, which was summarized in the April 4 INFORMATION LETTER.

Use of Edible Oil Cans in Stock Permitted

Packers of edible liquid oils, including only animal, vegetable, olive, fish and other marine animals, along with blends of such oils, have been granted permission by the War Production Board to use, regardless of size or quota, all completed cans on hand in either packers' or can manufacturers' possession, or all cans whose component parts are prepared for assembly. The special permission, contained in a letter sent to the Institute of Shortening Manufacturers, allowed users of liquid edible oil cans to disregard the October 31 date after which such cans could not be used. However, no new cans for these products are allowed to be manufactured, and the October 31 date prevails, as set forth in provisions of Section (c) (1) of Order M-81.

New York Canners Set Meeting Date

The Association of New York State Canners, Inc., will hold its annual meeting at Hotel Statler, Buffalo, on December 10 and 11.

INDUSTRIAL SCRAP DRIVE LAUNCHED

WPB Sponsors Inventory and Collection of Dormant Materials at Manufacturing Plants

A nation-wide industrial "dormant scrap drive" has been organized by the Conservation Division of the War Production Board, it was announced October 1 by Lessing J. Rosenwald, Director.

Seventy thousand industrial executives will be contacted by the Industrial Salvage Section of the Division. They will be asked to make an inventory of all dormant scrap materials and to make a complete disposal of all these materials through regularly organized scrap dealer channels as rapidly as possible.

Dormant scrap is defined as obsolete machinery, tools, equipment, dies, jigs, fixtures, which are incapable of current or future use in the war production effort because they are broken, worn-out, irreparable, dismantled or in need of unavailable parts necessary to practical re-employment. Dormant scrap should not be construed to apply to reusable machinery, equipment, dies, jigs, or fixtures, which can currently or in the future be used by the owner or others, with or without repairs, in work which contributes directly to the war production effort.

The recently doubled field force of the Industrial Salvage Section now comprises 140 men. This regular field staff has been supplemented by 2,500 volunteer salesmen and sales executives, who have been certified to serve as temporary field men during this special drive.

Continuous production from open-hearth and electric furnaces and other users of scrap during the winter months of 1943 is dependent on the collection of seven million additional tons of iron and steel scrap prepared for delivery to the mills for use during the winter months.

Accordingly, top executives of all industrial plants are being urged to:

1. Instruct the salvage executive of their plant, together with other necessary executive officials, to inspect all areas of the plant to determine what salvageable items falling in the above dormant scrap classification can be scrapped.

2. Mark clearly each such item for quick identification and make a list in duplicate in order that plant management may authorize the disposition of each item. Indicate approximate weight opposite every piece of dormant scrap.

3. Arrange immediately to dispose of all dormant scrap.

Quota Is Lifted On Output Of Tin

The International Tin Committee, with headquarters in London, on September 28 set export quotas for the tin producing areas now in United Nations ranks, at 105 per cent of tonnage until further notice, continuing the percentage now in effect. It stated the quota would be adjusted "if the territory should be able to exceed this amount."

The concession applies to Bolivia, the Belgian Congo and Nigeria. Malaya, the Netherlands East Indies, Siam, and French Indo-China are all in Japanese hands.

The four signatories to the present agreement are Belgium, Bolivia, the United Kingdom and the Netherlands.

WPB Corrects Glass Container Definition

A change in definition of standard glass containers for preserves and jelly was made September 30 with issuance by the War Production Board of Order L-103, as amended. The order covers glass container and closure simplification.

The definition of a jelly and preserve container now includes the container described in "Exhibit 10" of the order instead of the one described in "Exhibit 9." The primary difference between the two containers is that the former has a 12½-ounce overflow capacity as compared to 11½ ounces for the latter.

The action was taken by OPA because of a typographical error in the original order. Text follows:

Subparagraph (a) (2) (iii) of Schedule C to Limitation Order L-103 (Section 1198.4) is hereby amended to read as follows:

(iii) A glass container described in Exhibits 10, 14, 18, 22, and 23 of Limitation Order L-103, which possesses the finish prescribed for the respective container in the said Exhibits or any other Glass Container Association standard finish which is interchangeable therewith without alteration of the specified body mold.

New Sugar Delivery Zones Established

Three new sugar delivery zones for distribution of western beet and cane sugar have been set up in an order from the Office of Price Administration.

The three new zones include territory that formerly was designated as one zone, and bring to 11 the total number designated to avoid cross-hauling sugar and thus to free more freight cars for war materials. The lower peninsula of Michigan is designated as Zone 9 and the territory from eastern Indiana to Maine, which is not included in the seaboard refiners' zones, is designated as Zone 10. Territory outside the seaboard and Gulf zones and not included in the new zones will be known as Zone 11.

It was pointed out that the establishment of these new zones was necessary to regulate the distribution of sugar which will be produced from the new beet crop now being harvested in Michigan, Ohio and Indiana.

The new order is a revision of Zoning Order 1 issued by the Director of the Food Rationing Division on September 16, and reported in the INFORMATION LETTER for September 19.

Pork Ceilings Allow for Higher Box Costs

At the request of the Lend-lease Administration, the Office of Price Administration on October 2, effective October 8, authorized government agencies buying canned pork products for export to pay certain additions to prevailing ceiling prices to cover special packing costs. These additions include 50 cents per hundredweight for wire bound wood boxes or solid wood boxes over the prices established for pork products packed in fibre boxes. The OPA action also allows an additional charge of 10 cents for specially made wood boxes.

OPA's announcement of this price adjustment points out that it is temporary and that permanent authority will not be given until a detailed study of actual costs of such special

packaging has been made. The temporary authorization is contained in Amendment No. 2 to Maximum Price Regulation No. 148 covering dressed hogs and wholesale pork cuts.

California Peach, Cocktail, Salad Packs for 1942

An estimated total of 14,227,084 actual cases of cling peaches, regular pack, reported by the Canning Peach Advisory Board on September 21, represents the second largest pack of cling peaches ever produced by the California canning industry. The largest was that of 1928 when 14,596,000 cases were produced. It is pointed out, however, that in that year 1,407,000 cases of fruit for salad were produced, whereas this year a total of 6,179,470 cases of fruits for salad and fruit cocktail were packed in addition to the regular pack of cling peaches.

Figures for 1942 were arrived at from a questionnaire asking for packs to September 12 and estimates for the balance of the season. The questionnaire produced the following tabulation for 1942, which is presented along with comparative totals for 1941:

	1942	1941
	Actual Cases	Actual Cases
Cling peaches, regular pack.....	14,227,084	11,037,581
Fruit cocktail.....	5,530,754	4,915,730
Fruits for salad.....	648,716	637,401
Spiced peaches.....	88,395	213,209

Evaporated and Condensed Milk Statistics

For the first time since February, 1941, monthly production of evaporated milk fell below that of the corresponding month a year ago, according to the Bureau of Agricultural Economics' report, which estimates August, 1942, output at 277,969,000 pounds. This quantity is 30,886,000 pounds, or 10 per cent smaller than August production of last year. However, the cumulative output for 1942 represents an increase of 30 per cent over the same period in 1941, totaling 2,758,375,000 pounds, January to August.

Stocks of evaporated milk (case goods), held by manufacturers September 1, 1942, totaled 211,001,000 pounds, a decrease of 27 per cent from stocks held on the same date a year ago, and 80,000,000 pounds less than August 1, 1942, stocks.

Production of condensed milk (case goods) in August was estimated at 9,832,000 pounds, a decrease of 11 per cent from August, 1941, production. Condensed milk stocks of 5,412,000 pounds on September 1, 1942, were 48 per cent smaller than a year earlier.

Canned Foods Purchases by AMA

The Agricultural Marketing Administration has announced the purchase, during the period September 25 to October 2, of the following canned foods in the indicated quantity: Salmon, 846,830 cases; sardines, 23,000 cases; pilchards, 19,159 cases; mackerel, 859 cases; flaked fish, 3,500 cases; and pork products, 46,375,619 pounds.

QUESTIONS ON CANNED FOODS DELIVERY ORDER

(Continued from page 7249)

livery of such canned foods is not included, because the order does not apply to deliveries made by distributors.

7. Are deliveries of canned foods for repacking restricted by this order?

Answer: Yes. Unless the deliveries of the repacked item are restricted by the order.

8. If a canner at the time this order became effective, had delivered his first quota of 35 per cent and had no warehouse space to store his additional pack, how is he to handle his warehouse problem?

Answer: The order permits shipments in excess of the 35 per cent (up to a total of 70 per cent) provided the canned foods thus shipped in excess of the 35 per cent be stored at destination point by the canner making the shipment. The order states:

"The restrictions on delivery * * * do not prohibit shipment for storage at the point of destination or in transit in advance of the permitted delivery date if possession and control do not pass to the purchaser."

9. What is meant by "civilian pack"?

Answer: Civilian pack means that portion of the canner's pack during the specified packing season that has not been reserved for or sold to a "non-quota purchaser."

10. Does the quota apply to each product or to each group?

Answer: The canner's quota (35 per cent to December 1) applies to the total amount of all the items within each group packed by such canner and available for sale to his civilian trade. Deliveries making up this quota, however, may be of any one or more products within the group.

11. Is a canner permitted by this order to ship 35 per cent of each customer's purchases to December 1?

Answer: No. The quota applies to each canner's civilian pack of each group of products without respect to the amounts delivered to the canner's various customers.

12. When shipping pooled cars, may a canner exceed his quota in order to give all customers participating in the car fair treatment?

Answer: The restriction on shipments applies to the canner's pack of each group. A canner may distribute his deliveries equitably among his buyers, provided he does not exceed his quota.

13. What is the meaning of (2) under (b) "restrictions on delivery"?

Answer: The word "person" in this paragraph means "canner."

14. Are export sales included in the canner's quota?

Answer: This will be determined at the time the export license is granted and the decision will depend upon the case at hand.

15. Are Federal agencies not mentioned in the order "non-quota purchasers"?

Answer: No. Deliveries made to a Federal agency not listed in the order must be included in the canner's quota. Private contractors, even though they may be working on an Army contract, are quota purchasers. The Panama Railroad, although a government agency, is a quota purchaser under this order. Post exchanges, Army canteens and Navy ship service stores are non-quota purchasers, even though they may be operated as a concession by private interests.

16. May non-quota deliveries be made to freighters and other vessels carrying war supplies in convoy to off-shore points?

Answer: Purchases of necessary supplies for any person operating an ocean-going vessel engaged in the transportation of cargo or passengers in the foreign, coastwise, or inter-coastal trade, upon application, may be authorized as non-quota purchases under this order. No blanket decision can be rendered at this time regarding the status of such purchases.

17. Are catsup and chili sauce included in this order?

Answer: This order does not restrict the shipments of these two items.

PRICE REGULATION COVERS APPLE PROCESSORS

(Continued from page 7249)

regulation also will permit an upward adjustment to cover increased container costs for products packed in glass that were packed in tin last year.

Fixed prices are set for dried apples at 19 cents per pound for U. S. Grade A and B, and 17½ cents per pound for U. S. Grade C, in Oregon, Idaho and Washington. These prices are for 1942 pack in 25-pound or 50-pound wood boxes. Dried apple prices in the eastern States are to be 2 cents higher than those for Pacific Coast areas. This regulation thus recognizes the customary differential between eastern and western apples already existing and is intended to encourage drying of apples in eastern areas according to the OPA press release which accompanied the order. Department of Agriculture officials have indicated that they will buy dried apples at these prices if packed to meet specified U. S. grades.

Adjustments allowed are for the 1942 pack only and are figured from the weighted average sales price during the first 60 days of the 1941 season.

The maximum prices for dried apples are computed primarily for government sales, since the Government is expected to buy the entire dried apple production.

OPA has advised the Association that the forms required for price reporting, under terms of Order 233, are now in preparation and will soon be distributed.

Text of Price Regulation No. 233

Text of the governing sections of Maximum Price Regulation No. 233 follows.

Section 1341.401. Prohibition against dealing in dried apples, canned apples, canned applesauce and canned or bottled apple juice or sweet apple cider above maximum prices.

(a) On and after October 5, 1942, regardless of any contract or other obligation no canner or packer shall sell or deliver any dried apples, canned apples, canned applesauce or canned or bottled apple juice or sweet apple cider, at a price higher than the maximum price established therefor pursuant to this Maximum Price Regulation No. 233.

(b) No person in the course of trade or business shall buy or receive any dried apples, canned apples, canned applesauce, or canned or bottled apple juice or sweet apple cider, from a canner or packer at a price higher than the maximum price established therefor pursuant to this Maximum Price Regulation No. 233; and

(c) No canner, packer or other person shall agree, offer, solicit or attempt to do any of the foregoing.

INFORMATION LETTER

Section 1341.402. Computation of base prices.

(a) The base price for each kind, grade and container size of canned apples, canned applesauce, and canned or bottled apple juice or sweet apple cider, made from whole apples, shall be the total gross dollars charged for such item during the first 60 days after the beginning of the 1941 pack of such item, divided by the number of dozens sold during such period. All sales from the 1941 pack of such item during such period, made in the usual course of business, shall be included, except sales made to the United States or any agency thereof. Sales made prior to such period but delivered within such period, shall not be included.

(b) The base price for each kind, grade and container size of dried apples shall be computed in the same manner as set forth in paragraph (a) of this section, except that the period used in such computation shall be the month of October, 1941, instead of the first 60 days after the beginning of the 1941 pack.

Section 1341.403. Canner's maximum prices for canned apples and canned applesauce.

The canner's maximum price per dozen f.o.b. factory, for each kind, grade and container size of canned apples and canned applesauce packed after the 1941 pack shall be:

(a) The canner's base price for such kind, grade and container size; plus

(b) Eighteen and one-fourth per cent of such base price.

Section 1341.404. Canner's maximum prices for canned or bottled apple juice or sweet apple cider.

(a) The canner's maximum price per dozen f.o.b. factory for each grade of canned or bottled apple juice or sweet apple cider made from whole apples, in container sizes of less than one gallon, shall be:

(1) The base price for the same grade and container size, plus

(2) Ten per cent of such base price; plus

(3) The amount of six cents per gallon, apportioned to each dozen containers in the same proportion which the contents of such dozen containers bears to one gallon.

(b) The canner's maximum price per dozen f.o.b. factory for each grade of canned or bottled apple juice or sweet apple cider, made from whole apples, in container sizes of one gallon or more, shall be:

(1) The base price for the same grade and container size; plus

(2) Eight per cent of such base price; plus

(3) The amount of six cents per gallon, apportioned to each dozen containers in the same proportion which the contents of such dozen containers bears to one gallon.

Section 1341.405. Maximum prices for kinds, grades and container sizes which cannot be computed under Sections 1341.403 and 1341.404.

(a) If the maximum price for any kind, grade and container size, except No. 10 cans of any canned apples, canned applesauce, and canned or bottled apple juice or sweet apple cider, made from whole apples, cannot be determined under Sections 1341.403 and 1341.404 of this Maximum Price Regulation No. 233, but if the canner has been able to determine his maximum price under said sections for the dominant kind, grade and container size of such product, the maximum prices of the remaining kinds, grades and container sizes of such product, except No. 10 container size, shall be those prices which bear the same proportionate relationship to the

maximum price for the dominant kind, grade and container size as the price for each such kind, grade and container size bore to the price of the dominant kind, grade and container size in the canner's first price list applying to the 1941 pack.

(b) In determining maximum prices under paragraph (a) of this section, the dominant kind, grade and container size shall be the one of which the canner packed the most cases in 1941.

(c) If the canner is unable to determine the maximum price of one or more grades of such items in a No. 10 can, under Sections 1341.403 and 1341.404, but can so determine the maximum price for one or more other grades of the same product in a No. 10 can, the maximum prices for the grades not so determined shall be established in the manner provided in paragraph (a) of this section, using as the dominant grade the grade for which the price has been determined, or, if the price of more than one grade has been so determined, using as the dominant grade the one of those for which a maximum price has been so determined of which the canner packed the largest number in 1941.

Section 1341.406. The packer's maximum price for dried apples.

(a) The packer's maximum price for dried apples, packed in wood boxes containing 25 to 50 pounds, for all States except California, Oregon, Idaho and Washington, shall be as follows:

Grade	Kind	Maximum price, per lb. Cents
U. S. Grade A.....	Rings or quarters	21
U. S. Grade B.....	do.....	21
U. S. Grade C.....	do.....	19½

(b) The packer's maximum price for dried apples, packed in wood boxes containing 25 to 50 pounds, for the States of California, Oregon, Idaho and Washington, shall be as follows:

Grade	Kind	Maximum price, per lb. Cents
U. S. Grade A.....	Rings or quarters	19
U. S. Grade B.....	do.....	19
U. S. Grade C.....	do.....	17½

(c) Maximum prices for other kinds or grades of dried apples, such as chops and screenings, and other container sizes, shall be computed as follows:

(1) Determine the base price during October, 1941, for U. S. Grade C dried apples and the base price during October, 1941, for each other item for which a maximum price is to be computed.

(2) Compute the percentage relationship of the maximum price for U. S. Grade C dried apples, as determined under paragraph (a) or (b) of this Section, to the base price during October, 1941, for U. S. Grade C dried apples.

(3) For each item for which a maximum price is being computed, multiply the base price in October, 1941, for the same item, by the same percentage as determined for U. S. Grade C dried apples pursuant to paragraph (c)(2) of this Section.

Section 1341.407. Maximum prices of competitor.

If the maximum price of the canner or packer for any item for which maximum prices are established by this Maximum Price Regulation No. 233, cannot be computed under the foregoing Sections of this Regulation, the canner's or packer's maximum price for such item shall be the maximum price of the most closely competitive canner or packer for the same item.

Section 1341.408. Allowances for packing in glass containers.

(a) Any canner who packed the same item in both glass and tin during the 1941 pack may compute base prices and maximum prices separately for such item packed in tin and the same item packed in glass, pursuant to the foregoing Sections.

(b) Any canner who packed an item in tin and not in glass during the 1941 pack and who packs the same product in glass during the 1942 pack, whether or not in the same container size, may compute his maximum price for the product packed in glass, as follows:

(1) If the contents of the glass container are the same by weight as the tin container, the canner shall (a) subtract from his maximum price for such item in the tin container the current net cost per dozen of the tin container; and (b) add to this figure the current net cost per dozen of the new container.

(2) If the contents of the glass container vary by weight from the contents of the tin container by no more than 20 per cent, the canner shall (a) divide his maximum price for the item in a tin container by the number of ounces or other units packed therein; (b) multiply the figure so obtained by the number of the same units in the glass container; (c) subtract from this figure the current net cost per dozen of the tin container; and (d) add the current net cost per dozen of the glass container.

(3) The current net cost per dozen of a container means the delivered price paid by the canner, or the delivered price the canner would have to pay per dozen for such container, at the time of computing his maximum price hereunder, including the caps, if any, and shipping carton, less discounts allowed, or that would be allowed, to him.

Section 1341.409. Authorization of maximum prices.

If the canner's or packer's maximum price cannot be determined under any of the foregoing sections of this Maximum Price Regulation No. 233, the maximum price shall be a price determined by the canner or packer after specific authorization from the Office of Price Administration, Washington, D. C., on application setting forth (1) a description in detail of the item for which a maximum price is sought; and (2) a statement of the facts which differentiate such item from the most similar item for which he has determined a maximum price, stating such most similar item and the maximum price determined therefor. When such authorization is given, it will be accompanied by instructions as to the method for determining the maximum price. Within ten days after such price has been determined, the canner or packer shall report such maximum price to the Office of Price Administration, Washington, D. C., under oath or affirmation. The price so reported shall be subject to adjustment at any time by the Office of Price Administration.

Section 1341.410. Maximum prices for a canner who has more than one factory.

The maximum price for each item for a canner who owns more than one factory shall be determined separately for each factory, except that if any group of two or more factories had the same f.o.b. factory prices in 1941, the maximum prices shall be determined uniformly for the entire group by using the combined figures for all of the factories in the group in computing the base price under Section 1341.402 and computing the maximum price under Section 1341.405, or, if that cannot be determined, by using the maximum price of the most closely competitive canner as the maximum price of the entire group. In applying for the specific authorization of a price under Section 1341.408, the application may be made for a uniform price for all of the factories in such group.

Section 1341.411. Maximum delivered prices.

Any canner who sold and delivered a particular brand of canned apples, canned applesauce, or canned or bottled apple juice or sweet apple cider packed by him during the calendar year 1941 on an established uniform delivered price basis by zone or area, may add to the maximum price per dozen f.o.b. factory computed under the foregoing sections for each grade and container size of such brand, the freight charge he added to his f.o.b. factory price during the calendar year 1941, for such grade and container size of such brand in the same zone or area. The resulting price shall be the canner's maximum delivered price for such grade and container size of such brand for the zone or area in which the same freight charge was used in 1941.

Section 1341.412. Adjustment of maximum prices for container changes for government sales.

In the event that any governmental purchasing agency requires any of the items covered by this Maximum Price Regulation No. 233 to be packed in containers other than those specified herein or other than the usual containers or cases for such items, such agency may make application to the Office of Price Administration for an order under this Section fixing the amount, if any, which may be added to the maximum prices established hereunder. Such application shall be in writing and shall state the estimated increase in the cost of packing in such special container. Any order issued under this Section permitting such an increase, will apply to all canners or packers required to pack in such special containers.

Section 1341.413. Maintenance of customary discounts and allowances.

Each canner and packer shall maintain his customary cash discounts and his quantity discounts to different classes of purchasers.

Section 1341.414. Less than maximum prices.

Lower prices than those established by this Maximum Price Regulation No. 233 may be charged, demanded, paid or offered.

* * *

Section 1341.417. Records and reports.

(a) Every packer who makes sales of dried apples after the effective date of this Maximum Price Regulation No. 233 shall preserve, for so long as the Emergency Price Control Act of 1942 remains in effect, all his existing records which were the basis of computing maximum prices by relationship to other kinds, grades and sizes of dried apples and make and preserve for the same period, all records of the same kind as he has customarily kept, relating to the prices which he charged for dried apples sold after the effective date of this Regulation.

(b) Every canner who makes sales of canned apples, canned applesauce, or canned or bottled apple juice or sweet apple cider, made from whole apples, packed after the 1941 pack, shall (1) preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect, all his existing records which were the basis for the computation of maximum prices under this Maximum Price Regulation No. 233 and (2) preserve for the same period all records of the same kind as he has customarily kept, relating to the prices which he charged for such products sold on and after the effective date of this Regulation and (3) file with the Office of Price Administration, Washington, D. C., within ten days after determining his maximum price for each item, a statement certified under oath or affirmation showing his base price and his maximum price for each item, together with his customary cash discounts and customary quantity discounts to different classes of purchasers, and (4) in those cases in which the

INFORMATION LETTER

maximum price of any item was determined by the maximum price of the most closely competitive canner, showing the maximum price of such item and the name and address of the canner whose maximum price was so adopted and (5) in those cases in which a canner made sales and deliveries of a particular brand of any of such products packed by him in 1941 on an established uniform delivered price basis by zone or area, showing his maximum price per dozen f.o.b. factory for each such item, the freight charge which he added to his f.o.b. factory price during the calendar year 1941 for each zone or area and the maximum delivered price for each such item packed after the 1941 pack, delivered in each zone or area, and (6) preserve for the same period a true copy of each such statement filed with the Office of Price Administration for examination by any person during ordinary business hours. Any canner who claims that substantial injury would result to him from making such statement available to any other person, may file such copy of such statement with the appropriate field Office of the Office of Price Administration. The information contained in such statement will not be published or disclosed unless it is determined that the withholding of such information is contrary to the purposes of this Regulation.

Section 1341.418. Information to purchasers from cannery.

(a) Any canner selling any canned apples, canned applesauce, or canned or bottled apple juice or sweet apple cider made from whole apples, packed after the 1941 pack, to any wholesaler, retailer, or any other purchaser for resale, shall, before making such sale or on his invoice disclose in writing to such purchaser, for each item, his base price, his maximum price, and the amount of the difference between the base price and the maximum price, which amount shall be designated as the "permitted increase."

(b) Any such canner may disclose such information by stating it on his invoice on the first occasion that he sells any item to such purchaser; or he may prepare and supply to the purchaser one or more lists or statements containing such information, at or before the first sale to such purchaser. Any such statement may contain the required information for any number of items.

(c) For the purposes of this section:

- (1) When a maximum price has been established for any item by the use of proportionate relationship, the base price for such item shall bear the same ratio to the maximum price as the base price of the item from which such maximum was determined bears to the maximum price of such item.
- (2) When a canner has established a maximum price by using the maximum price of a competitor, his base price for that item shall be the same as the base price of his competitor for the same item.
- (3) When any canner makes application to determine a maximum price after specific authorization by the Office of Price Administration, such authorization, when given, will be accompanied by instructions as to the method for determining the price to be deemed the base price.

* * *

Section 1341.424. Definitions.

(a) When used in this Maximum Price Regulation No. 233 the term:

- (1) "Persons" includes, an individual, corporation, partnership, association, any other organized group of persons, legal successors or representatives of any of the foregoing and includes the United States, any agency thereof, any other Government, or any

of its political subdivisions and any agency of any of the foregoing.

- (2) "Canner" means a person who processes and packs apples, applesauce, apple juice or sweet apple cider, made from whole apples, in containers of metal or glass, or who packs apple juice or sweet apple cider, made from whole apples, in wooden containers.
- (3) "Packer" means a person who removes the major portion of moisture from apples by natural or artificial means or prepares them for shipping in dried form, but does not include a grower when he delivers dried apples to a packer.
- (4) "Canned" means sealed or enclosed in containers of metal or glass, whether or not hermetically sealed, and also refers to apple juice or sweet apple cider in wood containers.
- (5) "1941 pack" of any item affected by this Regulation shall be that pack the major portion of which was processed from apples grown in the calendar year 1941.
- (6) The "most closely competitive canner or packer" means the canner or packer who:
 - (i) Sells to the same class of buyers.
 - (ii) Produces the same or a similar quality range of the product in question.
 - (iii) Has in the past sold the same item at approximately the same prices as the canner or packer seeking to establish a maximum price.
 - (iv) Is located in the same or the nearest canning or packing area.
- (7) "Item", when referring to any of the products affected by this Maximum Price Regulation No. 233 also refers to the kind, grade and container size of such product; it designates not only the product, but also the kind, grade and container size. For example, "any item" means any kind, grade and container size of any of such products.
- (8) "Kind" refers to the style of pack as well as to the product.

(b) Unless the context otherwise requires, the definitions set forth in Section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

Section 1341.425. Effective date.

This Maximum Price Regulation No. 233 (Sections 1341.401 to 1341.425 inclusive) shall become effective October 5, 1942.

Issued this 2nd day of October, 1942.

LEON HENDERSON,
Administrator.

Definition of Citrus Packing Seasons

The Association is advised by the Administrator of Orders M-81 and M-136 that the government interpretation of the packing seasons for citrus products covered by M-81 is as follows:

Florida, Texas and Arizona—August 1 to July 31.

California—December 1 to November 30.

This statement is further clarification of Interpretation No. 1 of Order M-81, text of which appeared in the September 12 issue of the INFORMATION LETTER.